IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.382 OF 2003

Sau.Savita Sudhir Kotwal ..Petitioner

Vs.

Dr.Vasant Pawar and Ors. ..Respondents

....

Mr.P.N.Joshi for Petitioner
Mr.K.Y.Mandlik for Respondent Nos. 1 and 2.
Mr.A.H.Palekar A.G.P. for Respondent no.4

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CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 10,2005

P.C.:

1. Mr.Mandlik, the learned counsel for the respondent nos.1 and 2 submitted that the amount of dues was paid and in any case, balance remaining was Rs.14,375/-. He submitted that cheque No.880829 dated 1.3.2004 for an amount of Rs.14,375/- was drawn over the Nasik District Central Co-Operative Bank Ltd. Nasik and offered to the petitioner but she refused to accept the same and therefore, the balance amount remained to be unpaid. He has assured this Court that if the petitioner is ready and willing to accept the cheque for Rs.14,375/- a fresh cheque will be drawn and offered to her within one week. The petitioner shall, therefore, remain present before the Principal, Arts and Commerce College,

Trimbakeshwar, Dist. Nasik on 15th February, 2005 and the Principal shall offer her the cheque or Demand Draft for an amount of Rs.14,375/-. It is clarified that this acceptance of cheque/demand draft, will be without prejudice to the rights of the petitioner to take out appropriate legal proceedings for recovery of balance amount, if any.

2. In case the petitioner fails to remain present on 15.2.2005. The Principal shall forward the cheque to the petitioner by registered post A.D. on the address available on the record.

3. Contempt petition does not survive any further and therefore, the same is disposed of as infructuous.

[B.H.MARLAPALLE,J.]